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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,820	12/13/2003	Mark Miller	2003P13576US	2219

7590

09/09/2005

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

EXAMINER

PRESTON, ERIK D

ART UNIT	PAPER NUMBER
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2834

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/734,820

Applicant(s)

MILLER, MARK

Examiner

Erik D. Preston

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-6,9-12,14-16,19 & 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Ward et al. (US 4800314).

With respect to claim 1, Ward teaches a method for forming wedges (Fig. 4) in a space comprising: Placing an outer frame (Fig. 4, #28 & 30) into said space, wherein said outer frame is thinner than said space and wherein said outer frame contains a lateral gap; inserting into said lateral gap an inner layer (Fig. 4, #62 & 64), wherein said inner layer comprises at least one stiff sheet material coated with a felt material (Fig. 4, #66) that is saturated with a resin (Col. 5, Lines 29-31), wherein the inserting of said inner layer forces said outer frame onto abutments on either side of said space; and curing said resin (Col. 4, Lines 53-61) wherein said wedges snugly fit into said space and remain snugly fit after said resin is cured.

With respect to claim 2, Ward teaches a method of forming wedges (Fig. 4) in a space comprising: Obtaining an outer-formed frame (Fig. 4, #28 & 30), wherein said outer-formed frame is thinner than said space and wherein said outer-formed frame contains a lateral gap; placing said outer-formed frame into said space; inserting into said lateral gap an inner layer (Fig. 4, #62 & 64), wherein said inner layer comprises a stiff sheet material and wherein a felt material (Fig. 4, #66) is mounted on at least one side of said inner layer; wherein inserting said inner layer forces said outer-frame onto

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abutments on either side of said space; wherein a resin (Col. 5, Lines 29-31) is saturated in said felt material; and curing said resin (Col 4, Lines 53-61) wherein said wedge snugly fits into said space and remains snugly fit after said resin is cured.

With respect to claim 3, Ward teaches the method of claim 2, wherein said lateral gap bisects said outer-formed frame.

With respect to claim 4, Ward teaches the method of claim 2, wherein said inner layer is trimmed flush with said outer-formed frame (as seen in Figure 4).

With respect to claim 5, Ward teaches the method of claim 2, further comprising machining said outer-formed frame (Col. 5, Lines 42-46).

With respect to claim 6, Ward teaches the method of claim 2, wherein the inner layer comprises a plurality of stiff sheet materials.

With respect to claim 9, Ward teaches the method of claim 2, wherein said felt material is made of Dacron (a type of polyester).

With respect to claim 10, Ward teaches the method of claim 2, wherein said resin is a thixotropic thermosetting resin (Col. 3, Lines 63-67).

With respect to claim 11, Ward teaches the method of claim 2, wherein said felt material is mounted on said stiff sheet material in a predetermined pattern.

With respect to claim 12, Ward teaches the method of claim 2, wherein said predetermined pattern is in line with the approximate area of where said outer formed frame is forced onto said abutments on either side of said space. The felt material and the area where the outer-formed frame is forced into said abutments are both aligned radially.

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With respect to claim 14, Ward teaches a wedge (Fig. 4) pre shaped for use in a generator comprising: An outer-formed frame (Fig. 4, #28 & 30); an inner layer (Fig. 4, #62 & 64), wherein said inner layer comprises at least one stiff sheet material; and a felt material (Fig. 4, #66) mounted on at least one side of said inner layer; wherein said felt material is saturated with a resin (Col. 5, Lines 29-31); wherein said inner layer is shaped to fit in a lateral gap within said outer formed frame; wherein said wedge is electrically insulating (Dacron felt, resin, and epoxy laminates are inherently insulating).

With respect to claim 15, Ward teaches the method of claim 14, wherein said inner layer traverses a limited portion of said outer-formed frame. It does not traverse the entire outer-formed frame.

With respect to claim 16, Ward teaches the method of claim 14, wherein said lateral gap bisects said outer-formed frame. The blocks on either side of the gap are of the same length.

With respect to claim 19, Ward teaches the method of claim 14, wherein said felt material is made of Dacron (a type of polyester).

With respect to claim 20, Ward teaches the method of claim 14, wherein said resin is a thixotropic thermosetting resin (Col. 3, Lines 63-67).

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ward et al. (US 4800314). Ward teaches the method of claim 11, but does not teach that a

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portion of said inner layer is inserted into said lateral gap prior to inserting said outer formed frame into said space. It would have been obvious to one of ordinary skill in the art at the time of the invention to insert said portion said inner layer into said lateral gap prior to inserting said outer formed frame into said space since it has been held that "selection of any order of performing process steps is prima facie obvious in the absence of new or unexpected results" (In re Burhans, 154 F.2d 690, 69 USPQ 330 (CCPA 1946)). Regardless to order that the elements of Ward are inserted, they will still function as is intended in the invention.

Claims 7,8,17 & 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ward et al. (US 4800314) in view of Miler (US 6486575).

With respect to claims 7,8,17 & 18, Ward teaches the method of claim 7 and the wedge of claim 17, but doesn't teach the outer-formed frame, or the stiff sheet material being comprised of either a glass material or a resinous glass material. However, Miller teaches a reinforcement material made of glass and mineral filler (Abstract). It would have been obvious at the time of the invention to modify the wedges of Ward in view of the reinforcing material as taught by Miler because it is a low cost insulator that is capable of withstanding temperatures that can range from -10° to about 140° C (Miler, Col. 2, Lines 22-46).

Response to Arguments

Applicant's arguments filed 0/29/2005 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., that the invention is formed by a single wedge, or that the outer frame must be one distinct piece) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's arguments that the outer formed frame does not have a lateral gap or an inner layer there between, it is noted that there is in fact a laterally extending space between the two pieces of the outer frame that is filled by an inner layer of wedges therein.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erik D. Preston whose telephone number is 571-272-8393. The examiner can normally be reached on Monday through Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on 571-272-2044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



09/02/2005



DARREN SCHUBERG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800